THE CRISIS.

NUMBER VIII. *To be continued Weekly.*

SATURDAY, MARCH 11, 1775. [*Price Two-pence Half-penny.*

To the Lords *Suffolk*, *Pomfret*, *Radnor*, *Apſley*, and *Sandwich*.

How Glorious the Æra, thrice happy th' Day,
When Private Int'reſt to Public gives way,
When Bribes cannot tempt your Lordſhips to ſell,
Th' Birthright of Freemen to Tyrants of Hell.

How Glorious th' Æra, thrice happy indeed,
When TEAITORS, and MINIONS are ſentenc'd t'bleed,
When JUSTICE ſhall reign, and at Heav'n's great call,
The Proud Seed of Hell, Juſt Victims do fall.

MY LORDS,

YOU have a peculiar Claim to an Addreſs from the Authors of the CRISIS, and it ſhall be our Buſineſs in this Paper, to preſerve, if Poſſible, the preſhiable INFAMY of your Names.

The Motion made by Lord RADNOR, on *Monday*, the 27th of *February*, concerning NUMBER III of the CRISIS, was Unjuſt and Vi——us, the Paper contains nothing but the moſt SACRED TRUTHS, and therefore could not be a *falſe* or *ſcandalous* LIBEL: the amendment of the Epithet Treaſonable, propoſed and ſupported by the Lords POMFRET, SUFFOLK, APSLEY, and SANDWICH, was Infamous, and of a Piece with every other proceeding of the preſent Reign, and preſent Miniſtry; it ſhewed in a particular Manner, the BLOODY minded Diſpoſition of proſtituted Court Lords, the inſtruments of MURDER and PUBLIC RUIN. The *immaculate* Lord SANDWICH, inſiſted that the word Treaſonable ſhould ſtand Part of the Motion, as a proper Foundation for bringing the Author to *exempliary* and *condign* Puniſhment

Puniſhment. Suppoſe, my Lords, this infamous Amendment to the RADNOR Motion, had been carried, and it had ſtood a *falſe, ſcandalous*, and *treaſonable* LIBEL, could the mere *ipſit dixit* of a few venal Lords, make that Treaſon, which in the Literal or conſtructive Senſe of the Word, was not ſo.

The Author of NUMBER III, is perfectly well acquainted with the Statute of Treaſons, paſſed in the Reign of *Edward* the Third, and likewiſe with the various Expoſitions, and Interpretations of it; he well knew, the Paper was Written upon the true principles of the REVOLUTION, and that it could be juſtified by the Laws of the Land; he well knew, (though there is hardly any Villainy but what Court Sycophants may do with eaſe) that it was not in the Power of Lord MANSFIELD, with all his Chicanery, with all his Artifice, with all his abuſe of Law, with all his perverſion of Juſtice, with all the aid of falſe Conſtruction and forced Inuendos, to bring it within the meaning of that Statute; he well knew the Diſpoſition of the Sovereign and his Minions, and that nothing would, or can ſatiate Royal, Scotch, or Miniſterial Revenge, but the BLOOD of thoſe who oppoſe the preſent moſt horridly cruel, and moſt infamouſly wicked Meaſures of Government; and, my Lords, he well knew the ſhocking proſtitution of Hereditary Peerage, and the bare-faced Treachery and Villainy of a purchaſed Majority in the Houſe of Commons.

Has there not, my Lords, been INNOCENT BLOOD enough ſhed in this Reign, that your Lordſhips ſhould ſtill Thirſt for more?

Why ſhould your Lordſhips be ſo deſirous of ſtopping every channel of Public information, the Infamy of your Actions are ſufficiently known, and will be handed down to the laſt ages of Time, while your Names will ſtink in the Noſtrils of Poſterity.

The Statute of Treaſons, my Lords, paſſed in the 25th Year of the Reign of *Edward* the Third, was an Act of vaſt importance to the Public Weal; for till then, there was hardly a Word ſpoke, or a Paper written, but what was deemed Treaſon; and the Parliament which paſſed it, was called *Benedictum Parliamentum*, the bleſſed Parliament.

The ſubſtance of this Statute is branched out by my Lord Cooke, into Six Heads, which we ſhall here give, with ſome Obſervations of our own, to ſhew your Lordſhips and the World, that

that NUMBER III of the CRISIS, is not within the meaning of either of theſe Heads, and that by your amended Motion, you deſigned to lay the ground Work of a Proſecution the moſt Cruel and Infamous, ever carried on in this Country, worſe than thoſe, which without Proof, or the Colour of Guilt, took away the Lives of the Great Lord Ruſſel, and Algernoon Sidney.

The Firſt Head concerning Death; by compaſſing, or imagining the Death of the King, Queen, or Prince, and declaring the ſame by ſome *overt Deed.* By killing or murdering the Chancellor, Treaſurer, Juſtice of either Bench, Juſtices in Eyre, Juſtices of Aſſize, Juſtices of Oyer and Terminer, in their Places, duing their Offices.

The Second is to Violate, that is, to carnally know the Queen, the King's eldeſt Daughter unmarried, the Prince's Wife.

The Third is, levying War againſt the King.

The Fourth is, adhering to the King's Enemies, within the Realm or without, and declaring the ſame by ſome *Overt Act.*

The Fifth is, counterfeiting the Great, the Privy Seal, or the King's Coin.

The Sixth and Laſt, by bringing into this Realm, counterfeit Money, to the likeneſs of the King's Coin.

Firſt, To *compaſs* and *imagine*, is to contrive, deſign, or intend the Death of the King; but this muſt be declared by ſome *Overt Act*, declaring by an OPEN Act, a deſign to *depoſe* or *impriſon* the King, is an *Overt Act*, to manifeſt the compaſſing his Death. I believe, my Lords, the Author of NUMBER III of the CRISIS, is not under the Predicament of this expoſition.

Second, By the word King, is intended, 1. A King before his Coronation, as ſoon as ever the Crown deſcends upon him; for the Coronation is but a Ceremony. 2. A King *de Facto*, and not *de Jure*, is a King within this Act, and Treaſon againſt him is Puniſhable, though the right Heir get the Crown.

Third

Third, Note. It is very Strange, but in the printed Statute Books, it is there ſaid, *probably attainted*, which is a groſs Error; for the Words of the Record are, *et de ceo*, PROVABLEMENT *Soit Attaint*; *And ſhall be thereof* PROVABLY attaint: And it is amazing to me, that ſo groſs a Miſtake ſhould be ſuffered, ſince my Lord Cooke has ſo expreſsly obſerved the Difference in theſe Words following. 3. *Inſtu. Fol.* 12. In this Branch, ſaith he, Four things are to be obſerved: 1. This Word (*Provablement*) *Provably*, that is, upon DIRECT and MANIFEST PROOF, not upon conjectural Preſumptions, or Inferences, or ſtrains of Wit, but upon GOOD and SUFFICIENT PROOF: and herein the Adverb (*Provablement*) *Provably*, hath great Force, and ſignifieth a DIRECT and PLAIN PROOF; and therefore the Offender muſt provably be attainted, which Words are as Forcible as upon DIRECT and MANIFEST PROOF. Note, the Word is not *Probably*, for then *Commune Argumentum* might have ſerved; but the Word is *provably* be attainted. 2. This Word Attaint, neceſſarily implieth, that he be proceeded with, and attainted according to the due COURSE of LAW, and proceedings of Law, and not by ABSOLUTE POWER, or by other Means, as in former Times had been uſed. And therefore if a Man doth adhere to the Enemies of the King, or be Slain in open War againſt the King, or otherwiſe Die before the Attainder of Treaſon, he *forfeiteth nothing*, becauſe (as that Act ſaith) he is not attained: wherein this Act hath altered that, which before this Act, in caſe of Treaſon, was taken for Law. And the Statute of 34 *Ed.* 3. ſaves nothing to the King but that which was in Eſſe, and partaining to the King at the making of that Act. And this appeareth by Ajudgment in Parliament, in Ann. 29. H. 6. that Jack Cade being Slain in open Rebellion, could no ways be puniſhed, or Forfeit any thing, and therefore was attainted by that Act of High Treaſon. 3. Of open Deed, per *apertum Factum*, theſe Words ſtrengthen the former expoſition of (*Provablement*) an OVERT ACT muſt be alledged in every Indictment upon this Act, and PROVED. Compaſſing by *bare Words*, is not an *Overt Act*, as apppears by many temporary Statutes againſt it. But there muſt be ſome *open Act*, which muſt be *manifeſtly proved*. As if divers do conſpire the Death of the King, and the Manner how, and thereupon provide *Weapons*, *Powder*, *Poiſon*, *Harneſs*, ſend *Letters*, and the like, for the execution of the Conſpiracy. If a Subject conſpire with a Foreign Prince, to invade the Relm by open hoſtility, and prepare for the ſame, by ſome *Overt Act*, this is a ſufficient *Overt Act* for the Death of the King. 4thly. A Conſpiracy is had to levy War, this is no Treaſon by this

this Act, untill it be levied, therefore it is no *Overt Act*, or manifeſt Proof of the compaſſing the Death of the King within this Act; for the Words are (*de ceo &c. thereof*) that is, of the compaſſing of the Death. The Wiſdom of the Makers of this Law would not make *bare Words* to be Treaſon, ſeeing ſuch Variance commonly among the Witneſſes, about the ſame, as few of them agree together.

In the Preamble of the Statute of 1. Mar. (concerning the Repeal of certain Treaſons declared after this Statute of 25. *Edw.* 3. and before that Time, and bringing all things to the Meaſures of this Statute) it was agreed by the whole Parliament, that Laws juſtly made for the Preſervation of the Common Wealth, without extreme Puniſhment, are more often obeyed and kept, than Laws and Statutes made with great and extreme Puniſhments. And in ſpecial ſuch Laws and Statutes ſo made, whereby not only the ignorant, and rude unlearned People, but alſo learned and expert People, minding Honeſty, are often Times trapped and ſnared, yea many Times for *words only*, without other Fact or Deed done or perpetrated. Therefore this Act of the 25. *Ed.* 3. doth provide that there muſt be an OVERT ACT. 5. As to Treaſon by *levying* War againſt the King, we muſt Note, that though conſpiring or compaſſing to levy War, without a War, *de Facto*, be no Treaſon, yet if many conſpire a War, and only ſome few actually levy it, all are Guilty of the Treaſon. Raiſing a Force to burn or throw down a particular Incloſure, in only a *Riot*, but if it had been to have gone from Town to Town, to throw down all Incloſures, or to change Religion, or the like, it were levying of War, becauſe the intended Miſchief is Public. Holding a Fort or Caſtle againſt the Kings Forces is levying War. 6. Counterfeiting the Great, or Privy Seal, is Treaſon; but it muſt be an actual Counterfeiting thereof, compaſſing to do it is no Treaſon: affixing the Great Seal by the Chancellor, without Warrant, is no Treaſon: fixing a New Great Seal to another Patent, is a great Miſpriſon, but no Treaſon,-being not counterfeiting within this Act: but Aiders and Conſenters are within this Act. 7. Treaſon concerning Coin, is counterfeiting the King's Coin; and this was Treaſon at Common Law, and Judgment only as of Petty Treaſon; but clipping, &c. being made Treaſon by other Statutes, the Judgment is to be Drawn, Hanged, and Quartered. Money here, extends only to the proper Money of this Realm. 8. As this Statute leaves all other doubtful Matters to be declared Treaſon in Parliament, but not to be puniſhed as ſuch, till ſo declard. So in ſucceeding King's

Reigns

Reigns, abundance of other Matters were declared Treaſon, which being found very Grievous and Dangerous, by the Statute 1. Mar. it is inacted that thenceforth no Act, Deed, or Offence, being by Act of Parliament, or Statute, made Treaſon, Petty Treaſon, or Miſpriſon of Treaſon, by Words, Writing, Ciphering, Deeds, or otherwiſe however, ſhall be taken, had, deemed, or adjudged to be High Treaſon, Petty Treaſon, or Miſpriſon of Treaſon, but only ſuch as be declared and expreſſed to be Treaſon, Petty Treaſon, or Miſpriſon of Treaſon, by this Statute of 25. *Ed.* 3.

Here we reſt the Matter, my Lords, convinced the Author of NUMBER III, is not within the meaning of this Statute, nor any expoſition of it, and that the Deſign of your Lordſhips in adding the Epithet Treaſonable, was wicked, baſe, and infamous, and will be ſure to ſecure to you the Contempt and Deteſtation of every Honeſt Man.

To the People of ENGLAND and AMERICA.

On the 31ſt of *March* will be publiſhed, Price 1s. 6d. in Quarto, on a fine Paper and new Type,

The Prophecy of RUIN, a Poem.

Enſe velut ſtricto, quoties Lucilius ardens
Infremuit, rubet auditor cui frigida mens eſt.
Criminibus, tacite ſudant præcordia culpa.

JUVENAL.

Sharp as a Sword Lucilius *drew his Pen,*
And ſtruck with panic Terror, guilty Men;
At his juſt Strokes, the harden'd Wretch would Start;
Feel the cold Sweat, and tremble *at the Heart.*

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